UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,081	12/30/2005	Henrik Balle	891.012171-US (PAR)	7461

2512	7590	04/29/2009

PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER
TORRES, MARCOS L

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Response to Arguments

1.   Applicant's arguments filed 4-6-09 have been fully considered but they are not

persuasive.

2.   .Applicant's representative [hereinafter applicant] asserts that: "it is noted that

present Fig. 1 shows a processor 12 operative with a memory 14 and, as is disclosed at

the bottom of page 4 of the specification (the PCT application as published), the

operation of the mobile device 10 is controlled by software computer program

instructions loaded into the processor 12 from the memory 14. This teaching is believed

to provide proper support for the claim language "computer-readable medium" and

"computer program instructions". It is well established that a memory has a computer

readable medium in order to have its stored program instructions be read by a

computer."; the figure 1 have support for a processor 12 connected with a memory 14,

but do not show support for computer-readable medium. Please indicate where in the

specification can be found.

3.   In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

4.   Regarding applicant's argument direct to Ali that "is no disclosure regarding this

intention and this statement may be based on hindsight. It is not clear from the

disclosure of Ali what happens to the control content when the device is in the other orientations. Ali provides no indication of the order that the soft key icons 820 should be displayed in when the displayed information is rotated to the two orientations that are not illustrated in the figures of Ali. The examiner is requested, respectfully, to indicate the specific disclosure"; in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The reasoning and reconstruction is based on the drawings 8a-8c of Ali. For example in fig. 8b to 8c it is easy to determine that the change of the label of the functions keys follow an order [Note that applicant acknowledges this in page 15 paragraph 3, but he call it fixed positions, however these are programmable, function or soft keys and not fixed keys such as keys 880 (see par. 0069) and it is obvious that if the function changes the label must change in order to let the user know the function of the key]. Therefore, what the examiner is incorporating plain common sense of the customer using the device.

5.   Applicant asserts that: "it is respectfully submitted that it does not make sense to separate the feature of rotating the information content on the screen from the feature of manually rotating the keys of the device as this would mean that the device would not

be suitable, for example, for easy left handed and right handed operation. Doing so would therefore destroy the purpose of Larson."; the argument presented is moot because it does not show why it would not be suitable or what will destroy from the primary reference. Adding Larson to Ali would bring a device that can be rotated in any direction 90, 180, 270 and shows that it is important to maintain the organization and perspective of the buttons (see fig. 6-9). Therefore, if the user is used to press a specific button in a specific place, it makes sense to maintain the order when the device is rotated.

6.   Applicant asserts that: "If the keys were rotated as the orientation of the device is changed, as taught in Larson, the input keys would not remain adjacent the display and therefore the control content, in each orientation.", it is noted that Ali already discloses that the input keys would remain adjacent the display and therefore the control content is rotated according to the fig. 8a-8c the addition of Larson adds the 180 and 270 degrees rotation.

7.   Regarding applicant's arguments directed to Swerup, the applicant is misconstruing the combination of the references Swerup is brought to show interchanging functions (see par, 0027, 0028, 0037) and the previous references already show changing function based on the position of the device.

8.   Applicant asserts that: "there is no disclosure in Elsmore of where the information content is composed. It is submitted that Elsmore does not therefore explicitly disclose the above feature of the claims."; the rejection in record clearly shows by number where the content is composed, please see rejection in record.

9.   Also applicant assert that there is no disclosure in Elsmore of the creation of

content, however in the same section cited by the applicant of column1, lines 12-17

shows content. Additionally, the argument makes no sense because if there is no

content there would be no need for the display, for the simple purpose that that it would

display nothing.

10.   The rest of the arguments they fall for the same reasons as shown in paragraphs

2-9. The current rejection in record stands.

/Marcos L Torres/

Examiner, Art Unit 2617